

**ZB# 90-34**

**Duffer's Hide-A-Way**

**9-1-25.21**

#90-34 - Duffer's Hideaway - Lot area

Need:

- ① Deed copy.
- ② Photos

CCPD to be  
notified.

Public Hearing:

December 10, 1990

✓ Notice to Sentinel on 11/9/90.

Sal 562-1467

Area Variance

(Hgt.) approved

Dec. 10/90

# General Receipt

11709

TOWN OF NEW WINDSOR

555 Union Avenue  
New Windsor, N. Y. 12550

Received of

*Duffek's Hide-a-Way* \$ *50.00*

*Defty And*

*00*

DOLLARS

For

*Spring Board App Fee #96-34*

DISTRIBUTION.

FUND	CODE	AMOUNT
<i>CD# 1249</i>		<i>50.00</i>

By

*Pauline D. Townsend*

*Town Clerk*

Title

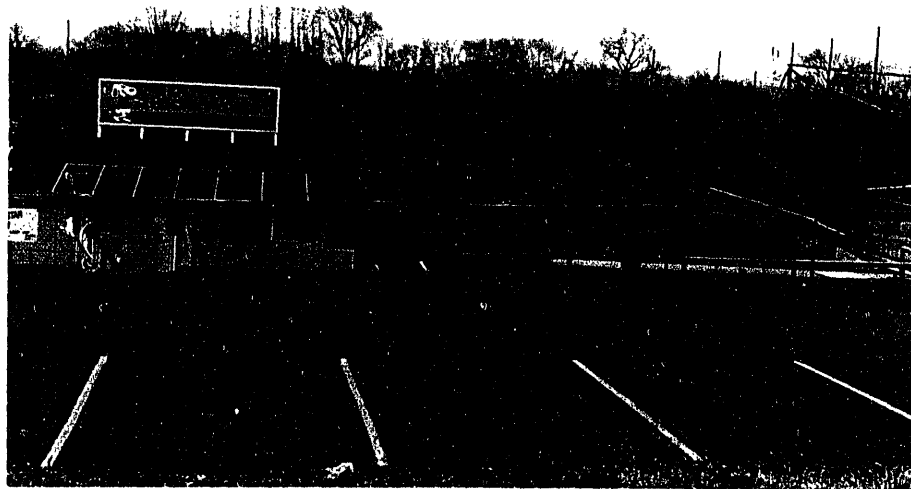
Williamson Law Book Co., Rochester, N. Y. 14609



FUND		
Q# 1249		50.00

Williamson Law Book Co., Rochester, N. Y. 14609

By John Clerk es  
 Title





NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

DECISION GRANTING  
AREA VARIANCES

GERARD I. IMPELLITTIERE, JR.  
d/b/a Duffer's Hide-a-Way

#90-34

-----X

WHEREAS, GERARD I. IMPELLITTIERE, JR., d/b/a Duffer's Hide-a-Way, 139 Windsor Highway, New Windsor, N. Y. 12553, has made application before the Zoning Board of Appeals for 13.31 acres lot area and 5 ft. building height variances to construct a caretaker's apartment at the above location in a C zone; and

WHEREAS, a public hearing was held on the 10th day of December, 1990 before the Zoning Board of Appeals at the Town Hal, New Windsor, New York; and

WHEREAS, appearing in behalf of applicant was engineer, Paul V. Cuomo, P. E., Martin Rogers and Salvatore Minuta; and

WHEREAS, there were two (2) spectators appearing in opposition to the application. Mr. Robert Borchert whose fruit orchard adjoins the Impellittiere property, complained that Mr. Impellittiere does not need a caretaker's apartment since his business is seasonal. Mr. James DeCrosta, the second spectator, also objected to the granting of the variance on the same ground.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the bulk regulations with regard to lot area and building height in order to construct a caretaker's apartment incidental to his driving range located at the above address in an a C zone.

3. The evidence presented by Applicant substantiated the fact that the variance aforesaid would be required in order for applicant to construct a caretaker's apartment, on a site which is smaller than 20 acres in a proposed building which is five (5) feet higher than the maximum allowed building height, and which otherwise would conform to the bulk regulations contained in the C zone.

4. The evidence presented by the applicant further indicated that the applicant appeared before the Planning Board on several occasions with various stages of the development of the subject property. At some point in time, when the property was zoned PI, the applicant showed on his plan the caretaker's apartment which was then a permitted special permit use in the PI zone and for which the applicant had more than sufficient acreage. The Planning Board requested that the caretaker's apartment be removed from the plan, at that time, since the Planning Board apparently desired to pursue other aspects of the application and deal with the special use permit for the caretaker's apartment separately. The applicant complied with the Planning Board request. When the applicant subsequently reached the stage of restoring the caretaker's apartment to the plan, it appeared that the Town Board had amended the zoning map and that the applicant's parcel was now zoned C. The caretaker's apartment was a permitted special permit use in the C zone, but the applicant's parcel now had deficient acreage because the minimum acreage required for a caretaker's apartment in a C zone is 20 acres, while the minimum acreage when the property was zoned PI was 5 acres for the applicant's use.

5. The zone change from PI to C was not requested by this applicant.

6. It appears that the Planning Board request that the applicant delay his special permit use application in the caretaker's apartment inadvertently necessitated this area variance application due to the change in the zone while the applicant's proposals were pending before the Planning Board.

7. The evidence presented by the applicant further indicated that the applicant has many large pieces of equipment to protect and store. Thus a storage area would be required on the first floor of the clubhouse, and the applicant would reside in the apartment proposed for the upper floor, if granted the necessary area and height variances. Applicant stressed in his application that due to fact that he experienced vandalism to the property in the past, he felt residing on the premises would cut down on this recurring problem, due to the fact that there were no close neighbors residing in the area.

8. The applicant has shown significant economic injury since the cost of the parcel, as it was formerly zoned, presumably included the potential of a caretaker's apartment as a special permit use, given the fact that there apparently was adequate acreage. Solely by reason of the zone change, the value of the parcel, as it is presently zoned, presumably was diminished because, without any change in the property, it now had deficient acreage for a caretaker's apartment as a special permit use to which the property was reasonably adapted solely by virtue of the zone change while his development proposals were pending.

9. The applicant has made a sufficient showing of practical difficulty despite the substantial area variance requested.

10. The requested height variance is not substantial in relation to the required bulk regulations.

11. The requested variances will not result in substantial detriment to adjoining properties nor change the character of the neighborhood.

12. The requested variances will produce no effect on the population density or governmental facilities.

13. There is no other feasible method available to applicant which can produce the necessary results other than the variance procedure.

14. The interest of justice would not be served by allowing the granting of the requested variances.

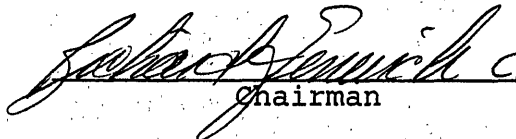
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 13.31 acre lot area and 5 ft. building height variance as sought by applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: January 28, 1991.

  
chairman

(ZBA DISK#5-053085.FD)

12/10/90 - Public Hearing - Duffer's (Impellitteri)

Name: Robert Borchert

Objection: Saffron Rd

Marlboro N.Y. 12542

objection: James De Costa

PUBLIC HEARING - IMPELLITTIERE, GERALD (DUFFER'S)

MR. FENWICK: This is a request for 13.31 acres lot area and 5 foot maximum building height variances for accessory use (caretaker's apartment) at outdoor recreational facility located in C zone.

Mr. Paul Cuomo, P.E. and Martin Rogers and Salvatore Minuta came before the Board representing this proposal.

MRS. BARNHART: For the record, we have 11 on the list and we got 11 return receipts back.

MR. CUOMO: We represent Gerald Impellittiere he was down in Florida playing golf, that's his job. From the last meeting, we assembled together some material basically what we are asking for here is a variance for a caretaker's cottage, not a cottage or a house and lengthening of the pro shop. But basically, we won't need a variance for that but we need a variance for the fact that we are in a zone that requires 20 acres if you are going to have a caretaker's house and I remember way back when I was in the town, my memory is that with Manny Emanuel, the reason for the 20 acres is that they didn't want a shopping center for instance many owners and they didn't want apartments over every shop. So, they said let's make it 20 acres and here we only have one owner and we have 6 acres. That is the idea of the 13 acres and then the last time we were discussing the height, I brought a ruler and I also brought the measurements on that house so you can get an idea how high it is relative to the clubhouse also relative to the street. And I brought photographs of the area if you want to look at that. You'll see where the original clubhouse is and which will be framed out by the caretaker's house and I also brought my colleague, Martin Rogers, for any questions on architectural, he's the architect who did all these pictures here. Any questions?

MR. FENWICK: Has this been initialed by the Planning Board?

MR. CUOMO: Yes, we have, that is what the Planning Board saw and sent us here. We didn't change that at all, that is the original.

MR. FINNEGAN: Is this the one if he had come before July, he wouldn't have needed a variance?

MR. MIKE BABCOCK: Yes. Let me clarify that. It used

to be in a PI zone when they first applied for the caretaker's apartment. They also applied for the fence and there was some other work that they had done. What happened was the Planning Board thought it would be, in the best interest of the applicant to go for approvals for their site plan for the golf tees, extra golf tees, batting cages, whatever and then come back and reapply for the caretaker's apartment. Between the two times when they came back to reapply, the Town Board changed the zone here from PI to C. In a PI zone, they need five acres for this and they have six so if the zone wasn't changed from PI to C, they wouldn't even be here tonight. That is the real reason.

MR. FINNEGAN: And he owned the property before that?

MR. MIKE BABCOCK: Yes.

MR. JACK BABCOCK: Dan, let me ask you this. When the zone change is made, doesn't the owner of the property has certain amount of time to exercise that right under the old zoning?

MR. LUCIA: Only if he has an approval, anything that is pending at that point is gone and his remedy is to do exactly what he is doing, come to the Zoning Board and ask for relief.

MR. JACK BABCOCK: I thought he had so much time once the zone was changed?

MR. LUCIA: Not as a blanket approval. There are certain things such as subdivisions but not for a zone change. There's no grandfathering for that.

MR. JACK BABCOCK: What are all these caretaker's every time we get a business or an establishment, all of a sudden they have to have their own caretaker cottage.

MR. MIKE BABCOCK: I think I can answer that because every zone in the bulk requirements that everybody has a right to have says one caretaker's apartment so everybody sees that and says it's a permitted use, let's go for it.

MR. CUOMO: We are in an isolated zone there also.

MR. MIKE BABCOCK: I am not saying that is the only reason but--

MR. CUOMO: We are in an isolated zone, we'd like to protect our premises. We have a lot of expensive gear in there and it's all alone.

MR. JACK BABCOCK: Where are you isolated, that's right in the middle of the town.

MR. NUGENT: No neighbors.

MR. CUOMO: Well, the neighborhood isn't that populated. There's an apple orchard on one side.

MR. KONKOL: It says 3,000 square foot for a caretaker's apartment, 3,000 square feet is that correct?

MR. ROGERS: That is the total area of the addition that we proposed, not all of that is for the caretaker's apartment. We have put that on the drawing of the elevations so you can see exactly what the breakdown is for each of the houses.

MR. KONKOL: How big is the actual apartment of that 3,000 square feet?

MR. ROGERS: We have here the existing clubhouse proposed addition and proposed apartment area which is half of the two-story structure.

MR. CUOMO: Is there going to be storage in the back there, right?

MR. ROGERS: Yes, the other half of the two-story structure will be for storage of the clubhouse. He has no storage now in the existing clubhouse and there will be a garage underneath that area for the tractor and the garden equipment, the mowers and things like that. He has no storage now. He just has it in a fenced in area.

MR. JACK BABCOCK: We are talking about a use for a caretaker's apartment. What am I hearing all this other stuff for?

MR. ROGERS: I am just explaining--

MR. JACK BABCOCK: Are we renovating everything else?

MR. TORLEY: If it wasn't for an apartment if that was just all storage and part of the business, he would not be here at all?

MR. ROGERS: I am just saying that the addition--

MR. TORLEY: The reason he's here is because part of it--

MR. NUGENT: Is any of the existing building going to remain?

MR. ROGERS: Yes, the entire.

MR. NUGENT: The building is right off of it?

MR. CUOMO: Well, building right off of it here.

MR. FINNEGAN: Just he's building a house there and July 10th he could have and July 11th--the other way around, July 10th he could have and July 11th he couldn't.

MR. KONKOL: If he puts the addition on just for the use of the facility, it's without the caretaker's apartment, that is permissible, right?

MR. MIKE BABCOCK: Yes.

MR. FENWICK: Except he's got a 5 foot height.

MR. CUOMO: Well, the caretaker's is the height and the clubhouse doesn't have any height problem.

MR. FENWICK: If you were to make this whole thing, let's say a warehouse sales place whatever the only thing you'd be in here for would be the 5 foot height variance, is that correct?

MR. CUOMO: That is correct.

MR. JACK BABCOCK: The person that is going to be in the apartment, is he an employee of Duffer's?

MR. FENWICK: Probably owns it.

MR. CUOMO: Owns it.

MR. KONKOL: When he's in Florida, who's going to be in it?

MR. MIKE BABCOCK: The 3 foot height variance came between the last meeting and this meeting, that was determining the height of the meeting.

MRS. BARNHART: He stated at the preliminary he was going to live there.



MR. KONKOL: If he's in Florida and he's the owner, who is going to live there if he's in Florida, who's going to live there? You're not out in the middle of the woods. The next thing you know you are going to have Cowen's Jewlery wants to put an apartment on top of their house for a caretaker down on 32, how many caretaker's--

MR. CUOMO: That was the idea of the 20 acre restriction but here we only have one owner over the whole site.

MR. KONKOL: If he's down in Florida, there's no caretaker.

MR. CUOMO: Well, he can hire one.

MR. KONKOL: Well, I have a problem with that.

MR. TORLEY: Caretaker apartment must be occupied by an employee of the owner, does it say that?

MR. MIKE BABCOCK: No. He can rent it out to me as long as I am going to be the caretaker.

MR. TORLEY: How do we distinguish between an apartment and a caretaker?

MR. FENWICK: There isn't any. Any members in the audience that are here in reference to this, Duffer's Hideaway, give your name and address.

ROBERT BORCHARD: My name is Robert Borchard from Borchard Orchard's in Marlboro, New York. We own the apple orchard the gentleman referred to immediately to the north and we don't think it's surrounded by woods either. To go back, you can forget this after I say it, when Mr. Impellittere bought the property, removed the large fence, removed trees along the line, there was hardly any demarcation. We had to have the place resurveyed. Now, you can forget I said that now we'll go on why I don't think it needs it. It's only open six months of the year, six months it's open, six months it's closed. There is not that much equipment that needs to be stored. They have got a nice building there, they have got where they run it underneath the double deck driving range, they run their equipment under there. They don't need to put anything there for that. And I really, they have been encroaching on us, they haven't been a good neighbor as I can say and I don't like them adding any more on it when they don't need it. I don't really feel they need it and apartment house on a

driving range. I don't think they do.

MR. FENWICK: Just out of curiosity, there's been at least two other variances or two other meetings if I am correct that the Board, there's been a couple others, have you received all the notices for the others?

MR. BORCHARD: We received one on the fence because we are dodging golf balls when we're working down there. I don't know how the doggone people can let them open up the place without proper retention of those golf balls, golf balls aren't spit balls when they go flying around hitting the tractor and trucks and the apples on the trees, it doesn't improve your disposition at all. I know it doesn't improve mine. They have been told of it, Mr. Impellittiere has been told of it last summer. They started the fence, they got it approved, we give you a nice glowing recommendation that the fence gets up and it's still not up. This is over a year ago, they did on the far side, not on our side. I don't care whether they hit him over into the Guardian Storage but I am worried one of my pickers is going to catch one in the eye and I'd be liable for taking them there and letting them pick just as well as they are going to be liable for having them there. It's very touchy situation, very worrisome.

MR. TORLEY: We had the variance before so the fence could be put up, just to protect you and your workers and those fences are not yet in place?

MR. BORCHARD: They have them to the other side.

MR. MINUTA: The fence is being put up, I spoke to the man tonight before I came here, supposedly it is going to be done before the end of the year.

MR. FENWICK: Our variance didn't say they had to put up a fence, our variance said they could put up a fence.

MR. BORCHARD: They come all on our land, on our farm looking for golf balls all the time. We spray pesticides. When they removed the stone wall with the buffer of trees that used to contain our, tried to contain whatever was blowing. Now it's got, we have to watch when I spray I have to watch that the wind is just right and that is pretty hard to do. When you go down there and spray and you have a strong north wind, you can't spray that until you can say I can and they have this, they are going in and out of there picking up golf balls and that is not right and I told him about it too

and I can't see why you would take these, he's got a little, what the hell is it, not only a driving range, he's got a mini golf, baseball thing and lord knows what he's coming next down the line, apartment house is the next thing he's got in his pocket and I don't think it's proper. And I respectfully request that you deny his application for an apartment. If he wants to put a machine for--he dumps his water off the roof on me, runs on me constantly. I really, I request that you deny his application.

MR. FENWICK: Thank you.

MR. TORLEY: If we were to grant a variance, this would have to go back for site plan approval.

MR. MIKE BABCOCK: Yes.

MR. FENWICK: Anyone else in reference to Duffer's Hideaway?

MR. DE CROSTA: I back his words up what he said, everything he said is right.

MR. FENWICK: Thank you.

MR. DE CROSTA: I have been a taxpayer for a good many years, more years than you are old.

MRS. BARNHART: Mr. DeCrosta, you didn't sign the sign-up sheet.

MR. BORCHARD: I would expect the same treatment as I'm a resident and voter and I might be here asking for a caretaker's apartment on my farm. I have 49 acres there, I am not worried about my apples walking.

MR. LUCIA: Just for the record, you're opposed to this variance?

MR. DE CROSTA: Yes, certainly I'm opposed to it.

MR. BORCHARD: We have been here since 1941 in that farm, probably be another 40 hopefully.

MR. DE CROSTA: I have been here all my life.

MR. TORLEY: As our Chairman said, if we were to grant the variance, it still has to go back to the Planning Board and I would advise you to arrange to go see the Planning Board and express your concern there.

MR. BORCHARD: Do you think my complaints are valid in regards to the building? I would say that it's not necessary.

MR. LUCIA: That's the only issue that this Board can really deal with. We appreciate your concerns as a neighbor and with golf balls coming over, that is a safety issue. Unfortunately, that is not the issue before this Board on that. We did our part, we said he can put up a fence as for this, we have to speak to the caretaker's apartment now.

MR. FENWICK: I'll close the public hearing and open it back up to the Members of the Board.

MR. DE CROSTA: May I say something?

MR. FENWICK: Quickly, I have already closed the public hearing.

MR. DE CROSTA: Forget about it, why are you closing the case all the time?

MR. FENWICK: Not a matter of closing the case, speak quickly.

MR. DE CROSTA: This has nothing to do with the across the street from the golf course that he's supposed to be having a little trouble.

MR. FENWICK: The one you are talking about is in front of Calvert's? That is the next one, sit tight.

MR. TANNER: I assume caretaker is someone is going to be watching the place, has he had problems with break-ins there or damaged equipment?

MR. MINUTA: As a matter fact, there's been a few kids, somebody hid something off the green there, the practice green, somebody just ransacked it.

MR. NUGENT: He hasn't had any break-ins or robberies that you know of?

MR. MINUTA: No, sir.

MR. FINNEGAN: No just that I think that if it he's owned the property for a while if he had come in prior to the 11th under the other code, he could have built it for want of a day or want of two months on this application, he now can't build a house. I don't obviously it's not a caretaker's apartment, it's going

to be his house. Prior to July 10th, he could have built it now he can't. I don't have a problem with it.

MR. TORLEY: I have no problem with this as a variance although as I said, it goes back to the Planning Board and I am frankly concerned that the health and safety issues of his neighbors weren't addressed more rapidly as far as the fence. I don't know why he couldn't put it up before he came back to put up a house.

MR. ROGERS: When did the Planning Board give final approval for the fence on the site plan?

MR. MIKE BABCOCK: You have to remember not after they left here they had to be back to the Planning Board for final approval.

MR. ROGERS: That was in June.

MR. MIKE BABCOCK: I don't know what the dates were but it was--

MR. NUGENT: I have a problem with it. It's strictly going to be a summer house. I have no problem with the storage area because I'm sure he needs that because the building he has there existing is very small but I'm sure he needs that. I have a problem with the caretaker's apartment.

MR. JACK BABCOCK: Type of business it is, I have to agree with Jim, it's only a summer business for four months, five months, I agree with that gentleman there, here we are creating an apartment for him for his summer and he goes to Florida in the winter. Under different type of business, I might look at it more favorably. I don't believe I can in this case.

MR. KONKOL: Another thing I feel I don't think he needs a caretaker's apartment. I think it's going to become an apartment for rent or something else in the future.

MR. TORLEY: We have seen no data to see he's had a significant problem in dollars lost.

MR. NUGENT: That is why I asked him that question.

MR. MINUTA: The only vandalism he has had is someone of the latter part of the summer, someone broke up the Coke machine, just destroyed it. I think that was like early October so there are kids that go in and out of

that property all the time. Normally, they don't hurt anything, you know but at times they do.

MR. FENWICK: I am not going to make excuses for it but we have gone away, they don't have a caretaker's place now.

MR. JACK BABCOCK: That is 50 times bigger than that.

MR. ROGERS: Since it was proposed to the Planning Board before the zone change and they requested that it was in stages, does it fall under grandfather clause at all?

MR. LUCIA: No, you have no approvals and that is the only thing that would exempt you from that.

MR. ROGERS: That is the hardship problem that we have is that we were requested by the Planning Board to wait and we did do that in good faith and now we have a problem, otherwise--

MR. FENWICK: What did they tell you to do wait before coming to us or--

MR. ROGERS: They wanted to approve the site plan as it stood with the fence that you approved that he could build and they said don't provide any more additional work onto the site on this plan and we wished to have the whole plan go in one shot for all the work that was going to be done at one time and they didn't hear that at all. They wanted the plan as it was and where the site was with just the fence shown so basically we got a site plan permit with the fence.

MR. FENWICK: I am going to ask the Building Inspector do you have any idea why they did do that? We like to get all our ducks in a line and get as many things onto one application as possible. You have any input as to why they separated this away or why they would do anything, something like that?

MR. MIKE BABCOCK: They did that, Rich, I can tell you they did it, I remember being at the meeting, I mean we can supply you with the minutes. They definitely did ask them.

MR. ROGERS: We went over with Mike at a workshop trying to make sense with it.

MR. MIKE BABCOCK: I think what really happened was the applicant found out that the Planning Board requested

certain things with the DOT coming off the road, he had to put in some more parking, had the batting cages, he came back and then he wanted to put up the fence and then I think what happened was the applicant figured since he was coming to the Planning Board, let's get this whole thing down, drawn up and do it one shot. The Planning Board said what did you do, add this stuff to the plan and he said yeah, since I'm coming here, I wanted to add everything so you know what the future development is at that time. He was asked to take that stuff back off the plan, let's review the plan as we have been going on for I'm not sure it's been in several times and I'm not sure what the breakdown was which I know it was the fence last time, let's get that one straightened away and I think I'm not sure whether this was going to be a problem and it was going to hold up the project for the fence. That is what it was.

MR. ROGERS: Yes.

MR. MIKE BABCOCK: They could approve this because it had the caretaker's apartment on it. They would need a variance so the Planning Board said for us to approve your site plan for the fence so we can protect your neighbors, take the caretaker's apartment off there. We'll give you approval, get your fence up and then you can go for the variance later.

MR. TANNER: Why did they need a variance?

MR. TORLEY: Given the requirements for meeting a use variance request, I am sorry, area variance have we heard enough information to have a reasonable decision?

MR. LUCIA: I'd like to hear a little more on practical difficulty. You have given us the history for the Planning Board, how about the significant economic injury issue from the application of the ordinance to the land that it's now zoned? What I'd like you to do is relate the cost of the parcel compared to the value as it's presently zoned related to how the value of the property would differ if you were granted a caretaker's apartment. Do you find that there's a significant economic injury from the application of the ordinance to the lot as it presently is?

MR. CUOMO: I think the property value would intrinsically increase with this structure. I think without it, it won't. That house, that little clubhouse he has there is much too small for the volume of recreational users that use this place. There just isn't enough room in that little house, you know, and I think this would

just stop the development of the place, it doesn't grow.

MR. TANNER: He could expand the clubhouse.

MR. CUOMO: He could expand the clubhouse without it but I'd still maintain the caretaker's site is important. I really do and as I say, it's a single owner, he wants to be there at his business. He practices his trade, he's teaching people golf and in fact, he spends after 6 o'clock after supper everybody is going home, he's out working, teaching people golf so if he lives there, it's not, you know, he doesn't have to come out or anything, this fellow really lives, eats and sleeps golf and that is his business. He's a professional, he's on the tour.

MR. LUCIA: I don't doubt that if the caretaker's house on the property is worth more but the issue the Board needs you to speak to is whether or not the present application of the zoning ordinance without a caretaker's apartment deprives you of use to which the property is reasonably adapted. Is it useable as a driving range, batting cage, putting, you know.

MR. CUOMO: It's useable but not as well because most of the income or great portion of the income is private lessons, private golf lessons and they require him of course to be on the property and being that he's living there, he's available and I've seen people grabbing him saying Gerry, can you give me a few minutes, can you give me an hour and he's really--

MR. MIKE BABCOCK: According to just for information, according to the information on the minutes for the Planning Board, Mr. Impellittiere is going to live here himself.

MR. FENWICK: Yes, I read that.

MR. TANNER: I'm still confused where you were saying that the Planning Board said he'd need a variance, it's my understanding that under the old guidelines that he didn't need a variance to build this.

MR. MIKE BABCOCK: He came in on several occasions, I don't have the final there what I understand was is that first time he got denied the fence and was told that he had to take down the posts then, he came back, got his golf tees, the upper tees and the batting cages approved, he's built those. Then, he came back and he wanted to prove to the Board that the birds wouldn't be caught



into the fence and he had to go through some scenerio and bring some people in at that time when he came back, that was the time of the zoning change in there somewhere. What happened was the Planning Board said listen, if you put the caretaker's apartment on here now which you have here, we can't approve the fence.

MR. JACK BABCOCK: Stop a minute. What Mr. Tanner is saying is the fact that before the zoning change, he didn't need a variance, is that what you are saying?

MR. TANNER: Yes, when he proposed this, the zone had already been changed. When he proposed--

MR. ROGERS: No, it was proposed before that but the Planning Board knew of the zoning change.

MR. CUOMO: They knew there was an impending zoning change and they--

MR. MIKE BABCOCK: I don't think the Planning Board did this intentionally knowing that the zone was going to be changed. I think they did this in favor of the applicant so he could get the fence up.

MR. CUOMO: I don't think the Planning Board knew about the 20 acres.

MR. LUCIA: Unless you had an approval from the Planning before the zone changed, you would have got bounced back anyway. I don't think as practical matters, the zone change changed your position.

MR. FENWICK: You're saying he put the house on the plans after it came back from us with the fence approval?

MR. JACK BABCOCK: Yes, he added all that in.

MR. FENWICK: After he approved the fence, the drawing came back and now the caretaker's house is on that.

MR. MIKE BABCOCK: No, this is long before that he went to the Planning Board, showed the fence, the Planning Board said what we want you to do is come back with information showing that birds do not get hung up in this fence. When he came back with it, he says since I'm coming back to the Planning Board, I might as well do what I want to do and he put the caretaker's apartment on. When the Planning Board reviewed it, they found out that he needed a variance for that and he said listen, you have proved that you put up the fence but if we go with the caretaker's apartment now there's

going to be a problem so don't go with that now, let's get the fence up and then come back later with this, that's all I can remember.

MR. TORLEY: Your recollection is the first time the Planning Board saw the design for a caretaker's apartment it had already passed the zone change time?

MR. CUOMO: No.

MR. MIKE BABCOCK: That was the preliminary with the Planning Board and he came back a couple more times, they looked at the plan and came back sometime in there, it changed. I don't think we are all aware that it changed, okay, then he came back to the Planning Board, the Planning Board I think was ready to, no, I think we caught it in a workshop.

MR. CUOMO: We caught it with the two bulk tables.

MR. ROGERS: It's right on the revision table on March 13th of this year, the plan was redrawn as per engineer request to clarify everything that was existing, that is when it was asked that the caretaker's apartment be taken off so that we knew what was existing now and what they were approving for the fence.

MR. CUOMO: Zoning was on July 11th.

MR. ROGERS: And the last revision was done in August of '89, that was to add a handicapped ramp that they had requested before.

MR. FENWICK: Okay, hold on. If they had to come with this house, we are--if they had come with this house before the zone change, what would the variance have been if they would have need, if any?

MR. MIKE BABCOCK: Right, as we talked tonight, the 5 foot height variance--

MR. FENWICK: That is all?

MR. MIKE BABCOCK: Let me clarify that, I don't know what the height variance was in a PI zone, no, the maximum building height in the PI zone was 50 feet so they wouldn't have needed a height variance if there wasn't a zoning change, they would not be here.

MR. KONKOL: The fact that the Town Board zoned this before it was a PI certain people wanted it zoned

12-10-90

commercial, it got zoned commercial and that is what it is and that is what we are going to act on.

MR. MIKE BABCOCK: I'd like to say one more thing. I don't think it was the applicant's request to the Town Board to change this to C, this was changed to C along with other properties.

MR. KONKOL: We know that but we cannot beat this dead horse to death. This property has come in here for other variances in the past and it was, I think at some of the previous meetings, we said is this going to be the end of this, are we going to add a batting cage now we have another building proposal for another building on here and--

MR. CUOMO: The only zoning we ever came in for was the fence.

MR. FENWICK: And the batting cage. Way back when we initially started out to close to the line, 2 foot to close to the line.

MR. KONKOL: As far as the actions of what the Planning Board did, I don't think it's our concern here. The Town Board and other people have come in here where the lots have changed due to changing in the zoning code and so forth and they have had to live with the law.

MR. JACK BABCOCK: I move we grant the variance.

MR. NUGENT: I will second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Finnegan	Aye
Mr. J. Babcock	No
Mr. Konkol	No
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

DENHOFF DEVELOPMENT CORPORATION

MR. FENWICK: This is a request for (1) 23.34 foot maximum building height variance for building and (2) 38.34 foot maximum building height for clock tower for construction of commercial mini-mall on New York State Route 32 (Calvet property) in C zone.

Mr. Gregory Shaw, P.E. of Shaw Engineering came before the Board representing this proposal.

MR. SHAW: Good evening, for the record, my name is Gregory Shaw from Shaw Engineering representing Denhoff Development Corporation. With me tonight is Michael Denhoff who is the principle of Denhoff Development Corporation also.

Our proposal before this Board tonight is to construct a retail structure of 12,960 square feet. It's located on the west side of Windsor Highway just a little bit north of it's intersection with Union Avenue. I believe the Board is familiar with this piece as its been before you before but if not, is in front of Calvet Tool Rental facility. The site plan which was prepared by my office, conforms in all respects to the Town of New Windsor zoning ordinance with the exception of building height. We are permitted based upon your zoning which allows 4 feet of height for every foot from the nearest lot line a building height of 11 feet 8 inches.

What we are proposing before you tonight is a structure which will be 34 feet high to the ridge line of the structure and the architecture again is before you and 50 feet to the clock tower. So, there are two variances before this Board tonight, one for the building height and one for the clock tower.

Very quickly, going over the site layout, we'll be utilizing the existing entrance off of Calvet Tool Rental which will be improved. We presently have a work permit from the New York State DOT to enter the site from the Calvet Tool Rental entrance and we have a permitted right-of-way over that from Calvet. With respect to the layout of the building, there will be an aisle way with double loaded parking in front of the building which will total 65 spaces again according to the zoning ordinance, we are required to provide 65 so we are in accordance with that. There will be a sidewalk in front of the building and there will be an aisle way to the rear of the building which will be one-way which will be for deliveries. Again, that is a quick overview of the site. If I can, I'd like to read



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

11

November 5, 1990

Jerry Impellittiere  
139 Windsor Highway  
New Windsor, NY 12553

Re: Tax Map Parcel #9-1-25.21  
Duffer's Hide-A-Way

Dear Mr. Impellittiere:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$25.00, which you have already paid in the form of a deposit.

Sincerely,

*Leslie Cook/CP*

LESLIE COOK  
Sole Assessor

LC/cp  
Attachment

cc: Patricia Barnhardt

LaCasa D'Oro, Inc.  
c/o Anthony Clemenza  
8108 Avenue L  
Brooklyn, NY 11236

Roman Catholic Church of St. Joseph  
6 St. Joseph Place  
New Windsor, NY 12553

Denhoff Development Corp.  
245 Fifth Avenue  
Suite 2205  
New York, NY 10016

Calvet Tool Rental & Servicenter Inc.  
PO 4333  
New Windsor, NY 12553

Strack, Robert A. & Beverly A.  
114 Windsor Highway  
New Windsor, NY 12553

Kim, Doo Joseph  
425 Angola Rd.  
Cornwall, NY 12518

Redl, Herbert H.  
240 North Rd.  
Poughkeepsie, NY 12602

Borchert, Anne Louise  
Lattintown Rd.  
Marlboro, NY 12542

Delio, Patricia A.  
7 Franklin Ave.  
New Windsor, NY 12553

Maraday, Joseph C. & Edith R.  
Rosemary Lane  
New Windsor, NY 12553

Talmadge, Angelina  
154 Windsor Highway  
New Windsor, NY 12553

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY

Rec'd. ZBA 9/24/90  
Prelim: 10/22/90  
7:30 PM

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 90-41

DATE: 21 SEPT 90

APPLICANT: Duffer's Hide-a-Way

13 Hilltop Drive

New Windsor NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED \_\_\_\_\_

FOR (~~SUBDIVISION~~ - SITE PLAN) DUFFER'S HIDEAWAY <sup>PROPOSED</sup> ~~CA. TAKER~~

LOCATED AT N.Y.S. ROUTE 32 <sup>ADDITION</sup>

ZONE D

DESCRIPTION OF EXISTING SITE: SEC: 9 BLOCK: 1 LOT: 25.21

ACCESSORY USE FOR CARE TAKERS APT.

WITH OUTDOOR RECREATION SITE. 567-0063

IS DISAPPROVED ON THE FOLLOWING GROUNDS: \_\_\_\_\_

LOT AREA VARIANCE REQUIRED FOR

ACCESSORY USE. (ALSO SPECIAL PERMIT USE)

  
PLANNING BOARD CHAIRMAN  
CARL SCHEIFER

\*\*\*\*\*

VALUES SHOWN FOR  
REQUIREMENTS ACCESSORY USE

PROPOSED OR  
AVAILABLE

VARIANCE  
REQUEST

ZONE C USE SPEC. PMT. #10

20 ACRES

1.18

217.31

APPLICANT: Duffer's Hide-a-Way  
13 Hilltop Drive  
New Windsor NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED \_\_\_\_\_  
FOR (~~SUBDIVISION~~ - SITE PLAN) DUFFER'S HIDEAWAY <sup>PROPOSED</sup> ~~LEASETAKER~~  
LOCATED AT N.Y.S. ROUTE 32 <sup>ADDITION</sup>

ZONE D  
DESCRIPTION OF EXISTING SITE: SEC: 9 BLOCK: 1 LOT: 25.21  
ACCESSORY USE FOR CARE TAKERS APT.  
WITH OUTDOOR RECREATION SITE. 567-0063

IS DISAPPROVED ON THE FOLLOWING GROUNDS: \_\_\_\_\_

LOT AREA VARIANCE REQUIRED FOR  
ACCESSORY USE. ( ALSO SPECIAL PERMIT USE )

  
PLANNING BOARD CHAIRMAN  
CARL SCHEIFER

\*\*\*\*\*

REQUIREMENTS	VALUES SHOWN FOR ACCESSORY USE	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>C</u> USE <u>SPEC. PMT. # 10</u>			
MIN. LOT AREA	<u>20 ACRES</u>	<u>6.49</u>	<u>13.31</u>
MIN. LOT WIDTH	<u>300 FT.</u>	<u>383.82</u>	<u>—</u>
REQ'D FRONT YD	<u>100 FT.</u>	<u>106 —</u>	<u>—</u>
REQ'D SIDE YD.	<u>100 FT</u>	<u>105 —</u>	<u>—</u>
REQ'D TOTAL SIDE YD.	<u>200 FT</u>	<u>313</u>	<u>—</u>
REQ'D REAR YD.	<u>100 FT</u>	<u>583</u>	<u>—</u>
REQ'D FRONTAGE	<u>100 FT</u>	<u>383</u>	<u>—</u>
MAX. BLDG. HT.	<u>18 FT</u>	<u>23'</u>	<u>5' (RR)</u>
FLOOR AREA RATIO	<u>N/A</u>	<u>—</u>	<u>—</u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>—</u>	<u>—</u>
DEV. COVERAGE	<u>20</u> %	<u>20 MAX</u> %	<u>—</u> %
O/S PARKING SPACES	<u>2</u>	<u>2</u>	<u>—</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:  
(914-565-8550) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD  
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE



September 12, 1990

70

DUFFER'S HIDEAWAY:

Paul Cuomo and Jerry Impelletierre came before the Board presenting this proposal.

BY MR. CUOMO: This is the site plan for Duffer's Hideaway. We were going to do some change sin here so for the sake of clarity we located everything geometrically and we blew up the size so you could see what was going on. Basically what we are here for tonight is a caretaker's house or apartment, whatever you want to call it, living quarters that will be next to the clubhouse.

BY MR. LANDER: Is this an as-built drawing?

BY MR. CUOMO: Yes, the drawing is as-built. As I said before, everything is geometrically measured out and as-built. The only thing that is proposed on this drawing that we'd like to have the Board consider is the caretaker's.

BY MR. VANLEEUEWEN: What is it going to be constructed out of, Texture-111?

BY MR. CUOMO: Oh, I can ask the owner that. We didn't get into that.

BY MR. VANLEEUEWEN: What is it going to be constructed out of? Are you going to use vinyl siding, wood siding to dress it up?

BY MR. IMPELLETIERRE: Oh, yes, it's going to match what is there. The front part section is going to be an addition onto the showroom and then in the back would be living quarters.

BY MR. MCCARVILLE: What is the third story proposed planned 60 square foot going to be used for? Is that a showroom?

BY MR. IMPELLETIERRE: Yes, it says owner caretaker's. What this is, the --

BY MR. EDSALL: You will have to change the parking calculation.

BY MR. CUOMO: We computed this on the basis the whole thing was going to be the owner's caretaker's

September 12, 1990

71

house. We did have to change the parking.

BY MR. VANLEEUEWEN: Are you going to live there yourself?

BY MR. IMPELLETIERRE: Yes.

BY MR. MCCARVILLE: That would be 3,000 square foot, that would be a nice caretaker's apartment.

BY MR. IMPELLETIERRE: No, it's not --

BY MR. LANDER: Do we need a special permit for that?

BY MR. EDSALL: Yes, that is comment number three.

BY MR. MCCARVILLE: I'd like to see some real details as far as what this would be used for.

BY MR. CUOMO: Would you like to see an elevation of it? We will give you an architectural elevation.

BY MR. VANLEEUEWEN: I'd like to have an idea what is going to look like.

BY MR. LANDER: Mark is also looking for sanitary.

BY MR. SOUKUP: Did we resolve the question of one apartment or two?

BY MR. EDSALL: Yes, actually the front portion is an extension of the clubhouse and rear portion is the living quarters.

BY MR. SOUKUP: Is that a single living quarters, single family living quarters?

BY MR. IMPELLETIERRE: Yes.

BY MR. SCHIEFER: The owner is the caretaker?

BY MR. SOUKUP: Just one dwelling unit, one family, one unit, one kitchen, one bath?

BY MR. IMPELLETIERRE: Yes.

BY MR. EDSALL: You have to resolve the parking

September 12, 1990

72

based on the square footage.

BY MR. VANLEEUEWEN: Show us what it is going to look like and I have no problem with it.

BY MR. LANDER: Relocating what is here, the septic system?

BY MR. CUOMO: Yes, he wants details on that.

BY MR. VANLEEUEWEN: You are going to have sewer there anyway shortly.

BY MR. CUOMO: I have to show it.

BY MR. VANLEEUEWEN: Did it go to bid?

BY MR. EDSALL: It's at the D.E.C. now. The district has already been created.

BY MR. LANDER: The only problem I have with this drawing here is that states there is a concrete curb in the front and there isn't any.

BY MR. DUBALDI: By the front parking spaces.

BY MR. IMPELLETIERRE: That's been waived.

BY MR. LANDER: It hasn't been waived by this Board.

BY MR. IMPELLETIERRE: Excuse me, the letter has been turned in two or three times. It should be on file that the front curb was waived by the D.O.T.

BY MR. LANDER: D.O.T. has no right waiving anything. There is a letter on file. The only thing they have to do with this is the entrance curbing coming in.

BY MR. MCCARVILLE: He's talking about along the parking lot.

BY MR. LANDER: I asked if there was an approved plan with a curb on it. If there is not going to be a curb on there, we are changing the plan and if we are changing the plan, take it off, shouldn't be on there.

September 12, 1990

73

BY MR. VANLEEUEWEN: He's got a curb on there now.

BY MR. DUBALDI: He's showing a curb.

BY MR. VANLEEUEWEN: Either take it off or show it to us.

BY MR. EDSALL: I don't believe it was ever deleted from the site plan but more important issue so that they can keep moving, they need a variance because the special permit use requires more acreage than they have, so you got to send them to the Zoning Board of Appeals to get a variance for the living quarters. So you might as well send them along their way so they can keep moving. They have to come back.

BY MR. CUOMO: That is where we got these to bulk tables here. This is rather complicated.

BY MR. IMPELLETIERRE: We need a special permit.

BY MR. VANLEEUEWEN: Make a motion to approve it.

BY MR. DUBALDI: I will second it.

ROLL CALL:

McCarville:	No.
VanLeeuwen:	No.
Soukup:	No.
Lander:	No.
Dubaldi:	No.
Schiefer:	No.

BY MR. SCHIEFER: Go to the Zoning Board, get your variance and we will go after the special permit.

BY MR. CUOMO: Getting a variance for the fact that the lot area in commercial which is the new zone to have a caretaker you have to have 20 acres and we have six, so I don't think we will have any problem getting that, so it's not our fault but we just don't have it.

BY MR. SCHIEFER: We won't take any further action and you will go to the Zoning Board of Appeals, get

September 12, 1990

74

your variance, and come back to us.

BY MR. CUOMO: We have to get a stamped plan from you, Mr. Chairman, to go to the Zoning Board of Appeals.

BY MR. LANDER: Just sign your name, they want to know that's the plan you looked at.

BY MR. BAECOCK: It's a lot area, so the plan as far as the configuration of the buildings or the parking area won't change as far as the Zoning Board of Appeals.

BY MR. SOUKUP: I have to tell you in my opinion, 20 acre minimum lot size for a caretaker's unit on a commercial facility is a rather large number.

BY MR. EDSALL: It's quite incredible. It's more than what is required by zoning for the golf course. But I didn't make the bulk tables.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

# 90-34

Date: 10/29/90

I. Applicant Information: GERARD I. IMPELLITTIERE, JR., % Duffer's Hideaway,

(a) 139 Windsor Highway, New Windsor, N. Y. 12553 x  
(Name, address and phone of Applicant) (Owner)

(b) -  
(Name, address and phone of purchaser or lessee)

(c) -  
(Name, address and phone of attorney)

(d) -  
(Name, address and phone of broker)

II. Application type:

☐ Use Variance

☐ Sign Variance

☒ Area Variance

☐ Interpretation.

III. Property Information:

(a) C 139 Windsor Highway 9-1-25.21 6.7 acres  
(Zone) (Address) (S B L) (Lot size)

(b) What other zones lie within 500 ft.? R-4

(c) Is a pending sale or lease subject to ZBA approval of this application? No

(d) When was property purchased by present owner? 1985

(e) Has property been subdivided previously? No When? -

(f) Has property been subject of variance or special permit previously? Yes When? 11/89

(g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? No

(h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A

IV. Use Variance: n/a

(a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_

- (b) <sup>n/a</sup> The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

---



---



---



---



---

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Blk. Regs., Cols. C & I.

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>20 Acres</u>	<u>6.69 Acres</u>	<u>13.31 Acres</u>
Min. Lot Width <u>300 ft.</u>	<u>383.82 ft.</u>	<u>n/a</u>
Reqd. Front Yd. <u>100 ft.</u>	<u>106 ft.</u>	<u>n/a</u>
Reqd. Side Yd. <u>100 / 200</u>	<u>105 / 313</u>	<u>n/a /</u>
Reqd. Rear Yd. <u>100 ft.</u>	<u>583 ft.</u>	<u>n/a</u>
Reqd. Street Frontage* <u>100 ft.</u>	<u>383 ft.</u>	<u>n/a</u>
Max. Bldg. Hgt. <u>18 ft.</u>	<u>23 ft.</u>	<u>5 ft.</u>
Min. Floor Area* <u>n/a</u>	<u>n/a</u>	<u>n/a</u>
Dev. Coverage* <u>n/a</u> %	<u>n/a</u> %	<u>n/a</u> %
Floor Area Ratio** <u>20%</u>	<u>n/a</u>	<u>n/a</u>

\* Residential Districts only

\*\* Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

The requirement for caretaker's apartment in a C (design shopping) center zone is 20 acres minimum. Applicant has 6.7 acres. At the time of purchase of property, the zone designation was PI and has changed to C only recently. Applicant/owner intends to reside on premises in order to protect property against vandalism and theft. Applicant also seeks a height variance in order to avoid shed-like appearance. (cont'd on schedule A)

VI. Sign Variance: n/a

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	Requirements	Proposed or Available	Variance Request
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

SCHEDULE ANNEXED TO APPLICATION FOR AREA/HEIGHT VARIANCES  
RE: IMPELLITIERE (DUFFER'S HIDEAWAY)

Applicant is seeking a 13.31 acre lot area variance and 5 ft. height variance in order to construct a caretaker's apartment as an addition to the clubhouse located at 139 Windsor Highway, known as Duffer's Hideaway in a C zone.

The lot in question when purchased by Applicant was zoned PI and the requirement at that time was 40,000 s.f which is less than 1 acre. In July 11, 1990, zoning was changed to C which is design shopping, revising the area requirement to 20 acres. At the time of purchase of the property, no variances would have been necessary due to the lesser bulk regulations required in a PI zone. Applicant paid a substantial price for the parcel at the time of purchase and proceeded to construct a golf driving range followed by a recreational batting cage. Over the past few years Applicant has made a substantial investment in expensive machinery and inventory and he now feels that an owner/caretaker's apartment would be justified in order to eliminate theft and vandalism.

Applicant respectfully submits to the Zoning Board of Appeals the following in response to the question of practical difficulties:

1. If Applicant were to adhere to the requirements in a C zone for an owner/caretaker's apartment, he would need a parcel which is 20 acres in lot size instead of the 40,000 s.f. requirement in the PI zone.

2. Applicant feels that to adhere to an 18 ft. maximum building height variance would dramatically alter the character of the proposed construction if the second story were to be eliminated. Since mostly all of the first floor will be dedicated to the storage of machinery and equipment, a two-story structure is a must in order to allow for living quarters for the owner/caretaker.

3. The effect of the increased population density thus produced on available governmental facilities is minimal or non-existent.

4. There will be no substantial change in the character of the neighborhood which is commercial in nature. Applicant's property is at a lower grade than the surrounding commercial buildings thus adding continuity to the neighboring commercial properties.

5. The difficulty herein cannot be obviated by some other feasible method for Applicant to pursue other than the variances requested.

6. The interest of justice would be served by allowing the proposed variances to be granted since Applicant has almost 7



acres of commercial property surrounding the proposed owner/caretaker's apartment.

When the Board considers all of these very important points, Applicant feels strongly that the variances should be granted.

- (b) <sup>n/a</sup> Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

---

---

---

---

---

- (c) <sup>n/a</sup> What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

---

---

VII. Interpretation: <sup>n/a</sup>

- (a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

- (b) Describe in detail the proposal before the Board:

---

---

---

---

---

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Applicant proposes caretaker's living quarters which will be designed in accordance with New York State Building and Fire Codes and will be structurally pleasing in order to conform to the requirements of the C zone and surrounding commercial properties.

---

---

IX. Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.  
☒ Copy of tax map showing adjacent properties.  
☒ Copy of contract of sale, lease or franchise agreement.  
☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.  
☐ <sup>n/a</sup> Copy(ies) of sign(s) with dimensions.  
☒ Check in the amount of \$ 50.00 payable to TOWN OF NEW WINDSOR.  
☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date October 29, 1990

STATE OF NEW YORK)  
COUNTY OF ORANGE ) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Gerard I. Impellittere, Jr.  
(Applicant)  
GERARD I. IMPELLITTERE, JR.  
d/b/a Duffer's Hideaway

Sworn to before me this

29th day of October, 1990.

Patricia A. Barnhart

PATRICIA A. BARNHART  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 1991.

XI. ZBA Action:

- (a) Public Hearing date \_\_\_\_\_
- (b) Variance is \_\_\_\_\_  
Special Permit is \_\_\_\_\_
- (c) Conditions and safeguards: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY  
RESOLUTION OF ZONING BOARD OF APPEALS.

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 34

Request of GERARD I. IMPELLITTIERE, JR. and DUFFER'S HIDEAWAY for a Variance of the regulations of the Zoning Local Law to permit construction of accessory use for caretaker's apartment with less than the allowable lot area and more than the allowable building height permitted in a C zone;

being a VARIANCE of Sections 48-12-Table of Use/Bulk Regulations, Columns C & I for property situated as follows:

139 Windsor Highway, New Windsor, N. Y.  
known and designated as New Windsor Tax Map:  
Section 9 - Block 1 - Lot 25.21

SAID HEARING will take place on the 10th day of December, 1990 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 7:30 o'clock p.m.

RICHARD FENWICK, Chairman

DUFFER'S HIDE-A-WAY:

BY MR. FENWICK: This is a request for 13.31 square foot lot area variance for accessory use (caretaker's apartment) at outdoor recreational facility.

Mr. Paul Cuomo and Jerry Impellitiere came before the Board.

BY MR. LUCIA: Before we proceed with this, I should mention that 13.31 foot should be 13.31 acres, the standard is 20 acres. He has 20 acres, it should be acreage, not feet.

BY MR. CUOMO: It's a use by right, this is a commercial, recently got changed as of July 11th and was a use by right with the new zoning to have a caretaker, to have a caretaker apartment, but you have to have a 20 acre site and we have six.

BY MR. LUCIA: This is a special use, not a use by right.

BY MR. CUOMO: Special use.

BY MR. FENWICK: According to the Planning Board minutes, it's special use permit.

BY MR. CUOMO: If you can look at it, I think it's a use by right, but C zone.

BY MR. FENWICK: I have it right here in the Planning Board minutes on page 73 according to the Planning Board minutes.

BY MR. EDSALL: I don't believe it was ever deleted from a site plan some curbing, but the more important issue is so that they can keep moving, they need a variance because a special permit use requires more acreage than they have, so you have got to send them to the Zoning Board of Appeals to get a variance for living quarters.

BY MR. LUCIA: If we consult the table of use bulk regulations for the C zone, it's in column B which is uses by special permit of the Planning Board and

October 22, 1990

16

it's use number 10, it's a special permit use.

BY MR. CUOMO: Anyway, we need the variance because we can't --

BY MR. LUCIA The applicant has double thresholds. First he needs a variance from us and if he gets that, then he needs a special permit from the Planning Board.

BY MR. CUOMO: I did a little anticipation of what the caretaker's apartment would look like.

BY MR. TORLEY: From, does it go from clubhouse to apartment?

BY MR. CUOMO: Let me show you that, that is a good question. This is the original clubhouse. The pro shop, this would be the pro shop in the front and then there would be the caretaker's apartment behind.

BY MR. FENWICK: Do we have a definition of what or what are they working on? What is a caretaker's apartment? Is there minimums, maximums?

BY MR. BABCOCK: Not to my knowledge as far as square footage and --

BY MR. FENWICK: Anything like that, yes. Is there a problem with vandalism now, is there a problem with security, is there a reason for this caretaker's?

BY MR. CUOMO: Well, we do have a lot of valuable equipment in the pro shop and it's an isolated area, so I would see that I could see why you would want to live there.

BY MR. FINNAGAN: How big is this caretaker's house, apartment?

BY MR. CUOMO: Well --

BY MR. FENWICK: Paul, can I see that, please? I want to see the plan.

BY MR. CUOMO: I can tell you exactly how big it is. It's going to be, it's going to be 24 by 45.

BY MR. TORLEY: Two stories?

BY MR. CUOMO: Yes.

BY MR. TORLEY: That is not an apartment, that's a house.

BY MR. CUOMO: Well, it's a caretaker's house, yes, it doesn't, I don't know if it says in the zoning you have to have a house, I mean an apartment, living quarters. And the pro shop would be extended here.

BY MR. TORLEY: My feeling on a special permit, it was the intent of the Town Board to say that there may be some circumstances under which this is required or necessary, but not under all cases. And there we have a special requirement that has to be shown to be existing and we are also asking for a three times the area variance, it's a lot.

BY MR. LUCIA: To be honest with you, I am not sure of the Town Board in adopting this provision obviously picked a very high acreage. I'm not sure what they did have in mind. If you look at the town, there probably aren't a whole lot of sites and uses that are going to hit that kind of acreage requirement. It speaks of a caretaker's building so obviously they had in mind very large sites possibly with multiple buildings and multiple caretakers but now that is why we have the Zoning Board of Appeals. He figures the ordinance as it stands causes him some hardship or practical difficulty. He's got his chance to come here.

BY MR. TORLEY: What is the practical difficulty mean?

BY MR. CUOMO: We are in a, the difficult is that it's a, it's not in a shopping center where you have a string of stores and the law is to prevent, I think I am pretty sure because I wrote the law is to prevent a string of apartments above stores. Our difficulty is in we have six acres is quite a large site. We have a large site here and we'd like to protect it. Difficulty is that it's the 20 acres. I think that's, well, it's my opinion I think that's rather excessive for an isolated case.

October 22, 1990

18

I mean, it's, there's not many sites in the town --

BY MR. TORLEY: If the Town Board felt that a 20 acre lot would be a large enough business of some type that a caretaker might be required therefore it would be a remote structure. You are on 32.

BY MR. CUOMO: The Town Board passed on this but this was done.

BY MR. FENWICK: Let's get off the caretaker stuff because the way it reads is living quarters for not more than one family located within each permitted commercial building on each lot for the use of the owner or caretaker of the permitted use or uses housed in such buildings. So it doesn't even, we are just pushing something against it with the caretaker. It says the owner can be there so --

BY MR. BABCOCK: Maybe I can clarify a little bit also. That area used to be a PI zone, okay. In the PI zone that is why the outdoor recreation area that is there now is permitted to be there on five acres. If that still was a PI zone, they would only need 40,000 square feet for this caretaker's apartment. Only 40,000 square feet which is less than one acre. On July 11th of 1990, the zone change took effect and became the C zone, that is why and I don't think anybody realized that, it would put him in a position of having 20 acres on his site right now is a permitted use under a PI zone. He has six acres and he's only required to have five. I think that is where the misunderstanding is where 20 acres comes in.

BY MR. FENWICK: At that time this was put in, in other words there was some variance needed to put this type of thing in, that is correct?

BY MR. BABCOCK: That is correct. Typically it's because of the zone change.

BY MR. TORLEY: So this is some use that was constant with the previous, with the land that is being used now, they changed zones, it previously would have been legal, you know, with required variance.

BY MR. BABCOCK: Yes, if he had made application



October 22, 1990

19

before July 11th of 1990, he wouldn't need a variance for this.

BY MR. TORLEY: The only question I would have on this is how in the code is it established that it becomes for the owner or caretaker not just rented out?

BY MR. FENWICK: It doesn't, there is no clarification because there is no definition of what a caretaker is.

BY MR. TANNER: Once it's constructed, you have no control over it.

BY MR. BABCOCK: Every bulk table has that under a special permit and it's worded the same under each bulk table. Typically if you rent out an apartment, you rent it out and let the people know that they are the caretaker.

BY MR. LUCIA: In the Planning Board minutes, Mr. Impellitieri indicated he is going to live there himself, that doesn't bind him for all time, obviously, but that seems to be the statement on the record already.

BY MR. IMPELLITIERE: Yes.

BY MR. FENWICK: There is building height and if I look at this, you are going to exceed that 18 foot, am I reading that right?

BY MR. BABCOCK: Maximum building height.

BY MR. CUOMO: Six inches for the nearest lot.

BY MR. FENWICK: No, you are down here.

BY MR. BABCOCK: Are you looking where I am looking under special permit 7, 8, 9, 10, 18 feet.

BY MR. CUOMO: On maximum building height 18 feet, yes.

BY MR. BABCOCK: Mr. Chairman, we have a PI use and we are trying to adopt a special use permit from a C zone into a PI zone, that is where the complications are.

October 22, 1990

20

BY MR. TORLEY: We have to stay with the C zone.

BY MR. BABCOCK: The permitted use that is there now that was based on setbacks and building height and was based on a PI zone.

BY MR. FENWICK: When it was PI zone.

BY MR. BABCOCK: Right.

BY MR. FENWICK: Okay, it's no longer a PI zone, that's as far as I am concerned.

BY MR. TORLEY: Does the application have to be modified to include the height variance?

BY MR. CUOMO: Yes, two story house. The floors would be 18 feet but the peak wouldn't.

BY MR. FENWICK: We are talking about a C zone, we are not talking about a residence, residence I think is 35 feet, I think that would kind of get you down into low profile caretakers type situation rather than the extra house on the property thing.

BY MR. CUOMO: Well, I wouldn't want to make a shed out of it.

BY MR. TANNER: I guess we have to conform to all the building codes for C zone then basically right?

BY MR. BABCOCK: Yes.

BY MR. TURNER: You are talking about eight foot ceilings?

BY MR. BABCOCK: Yes, the building code really wouldn't differ as far as that.

BY MR. TANNER: So it's 16 plus feet up already two stories?

BY MR. TORLEY: As I look at that, just from initial glance of the plans, it looks more like the house with a business tacked onto it than a business with a caretaker's apartment.

BY MR. FINNAGAN: That doesn't matter.

October 22, 1990

21

BY MR. BABCOCK: Right now, the plan that I have does not show the height as far as provided, I can only assume that we, are you going higher than the existing building now?

BY MR. CUOMO: Yes.

BY MR. BABCOCK: Okay, forget it then, all right.

BY MR. TORLEY: Make sure we have all our T's crossed, there's no other setback problems.

BY MR. FENWICK: Looks like he's all right.

BY MR. BABCOCK: On the site plan, he exceeds the, that provided maximum building height was not supplied there.

BY MR. TORLEY: All side yards, etc.?

BY MR. FENWICK: He has that.

BY MR. TORLEY: No point in having to do the application again.

BY MR. CUOMO: Right.

BY MR. FENWICK: What is your pleasure gentlemen? Do we want to put it in there now, the height variance?

BY MR. TURNER: Yes, let's do it all at one time and get it done.

BY MR. TORLEY: We can do that.

BY MR. LUCIA: We can make that change in the application now and as long as we have a number is there a way of scaling off maybe Paul can give it to us, we ought to have the denial conforming to the application that's coming in.

BY MR. CUOMO: 18 plus, let's see, I don't have a scale.

BY MR. TORLEY: Is it acceptable to say it's a 20 foot variance even if he's not going to use the whole 20 feet?

October 22, 1990

22

BY MR. FENWICK: No, I want it based on what that drawing is right there.

BY MR. CUOMO: I can calculate it exactly. It's 18, it's 9 and 9, it's just bear with me, it's 12 feet, that's four feet high, so it's 18, 22 feet total, so we'd need a variance of four feet.

BY MR. FENWICK: On the application for the variance, you can since the Board right now is familiar with what you are talking about, under proposed or available, you will put 22 and the variance he requests would be for four.

BY MR. CUOMO: Yes.

BY MR. FENWICK: Is that all right?

BY MR. BABCOCK: Yes.

BY MR. FENWICK: How much higher is this building going to be than the one that is there now?

BY MR. CUOMO: One story higher. Well, the roof would be one story higher but the peak to peak will be about --

BY MR. FENWICK: Ten feet?

BY MR. CUOMO: No, I would say peak to peak would be eight feet.

BY MR. TURNER: Ground floor is on the same level with the present clubhouse?

BY MR. CUOMO: Yes.

BY MR. TURNER: The land drops down, the parking lot is higher.

BY MR. CUOMO: Right, right, this if I can show you that this is the original clubhouse right here. This is what is there, goes over one window somewhere in here.

BY MR. TURNER: What I was concerned about is the height as you went down the highway and you looked at it, the present parking lot is elevated above

October 22, 1990

23

the clubhouse, if I am correct, how it would look in relationship to the present highway. There's a differential of it's 268, the elevation of the bottom of the new house, well it's the same as the clubhouse, 268 and the highway is about 280 just to give you an idea.

BY MR. TORLEY: Still below the highway grade.

BY MR. CUOMO: We wouldn't jut above the highway.

BY MR. FENWICK: Any comments from the Board, 22 feet is going to be it?

BY MR. CUOMO: Yes.

BY MR. TORLEY: Make sure the height when you build it stays under there.

BY MR. FENWICK: Don't come back for the public hearing with 24.

BY MR. CUOMO: I gave it nine feet for each floor.

BY MR. FENWICK: You know what I'm saying?

BY MR. CUOMO: Make it 23 to give me some leeway.

BY MR. FENWICK: That is up to you.

BY MR. CUOMO: Let me have 23, the facia may be sticking out of the 22 and I will be in trouble, 23 will do it.

BY MR. FENWICK: The variance is for five feet on the height, 13.31 acres. Do I have a motion to set him up for a public hearing?

BY MR. TANNER: I will make that motion we set him up for a public hearing.

BY MR. FINNAGAN: I will second it.

ROLL CALL:

Finnagan: Aye.

Torley: Aye.

Tanner: Aye.

October 22, 1990

24

Fenwick: Aye.

BY MR. FENWICK: When you come back, you are going to need a deed and photos of the property so that you can hold it up and say I am going to do this, understand, front and back would probably be the best.

BY MR. CUOMO: And this too, right?

BY MR. FENWICK: That is correct, yes.

BY MR. TORLEY: With all the dimensions on it.

BY MR. CUOMO: Yes, I can have it easily dimensioned.

BY MR. FENWICK: Don't get stuck without a ruler again.

BY MR. CUOMO: I will bring my ruler next time.

#90-34-

Daffer's Hide away - Impellit<sup>h</sup>re, Bury -  
24 x 45 = 2 stores' caretaker's house.

~~3~~ 3 reader  
2 steps:

① 2021 ZBA

(2) ✓ n P.B.) 66 92 or not

observed  $B_{21}^2$  of  $P_2$  zone -

- PG WL-61 wq, 9/12, PG zone

£/ac of 40,000 re & t (1 acre)

in 11, 1990 zone 4/ (-, C zone = vdr

4th 9/11 - Monday 16th Nov

203 S 7/11/90 = - 262 J Se -  
Prepared and Mail/Reg.  
23-4.

Needed: @ Area variance (Lot) 13.31 acres

② Height variance - ~~18'~~ 5 ft. bldg. hgt.

Need <sup>amended</sup> notice

Need <sup>amendment</sup> notice of denial to require Rgt. Variance  
C zone - 4 ft. max. Bldg height - 1 story higher than  
p. 6.

by g.f.  
sec by J.F.

Roll call -



NOTE: SEE SP-2 FOR ENLARGED PLAN OF THIS AREA & OTHER PERTINENT INFORMATION

TO NEWBURGH

36" CULVERT

TO VALD GATE

ROUTE 32

N.Y.S.

EXIST. PAVEMENT

EXIST. PAVEMENT

15" CULVERT

TO VALD GATE

CLUB HOUSE

BATTING CAGES (5)

1000 GAL. TANK

300' OF ADDUCTIVE TRENCH (SEE DETAIL DWG 91)

NET (TYPICAL)

50' HIGH POLES @ 50' O.C. (TYPICAL) TOTAL NUMBER 29

26" IRON PIPE PIPES ON LINE

AREA = 6.69 ± ACRES

SECT 9, BLK 1, LOT 25.21

N/F KIM DOO LIBER 2093/CP492

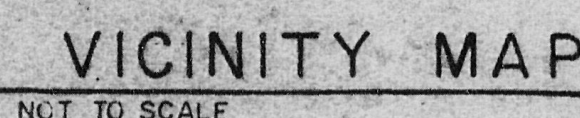
PLEASANT ACRES NURSERY, INC. LIBER 2094/CP67

Sanitary Flow = 350. GPD PERC = 11 MIN/IN.

North Arrow

Survey Points and Bearings:

- 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000



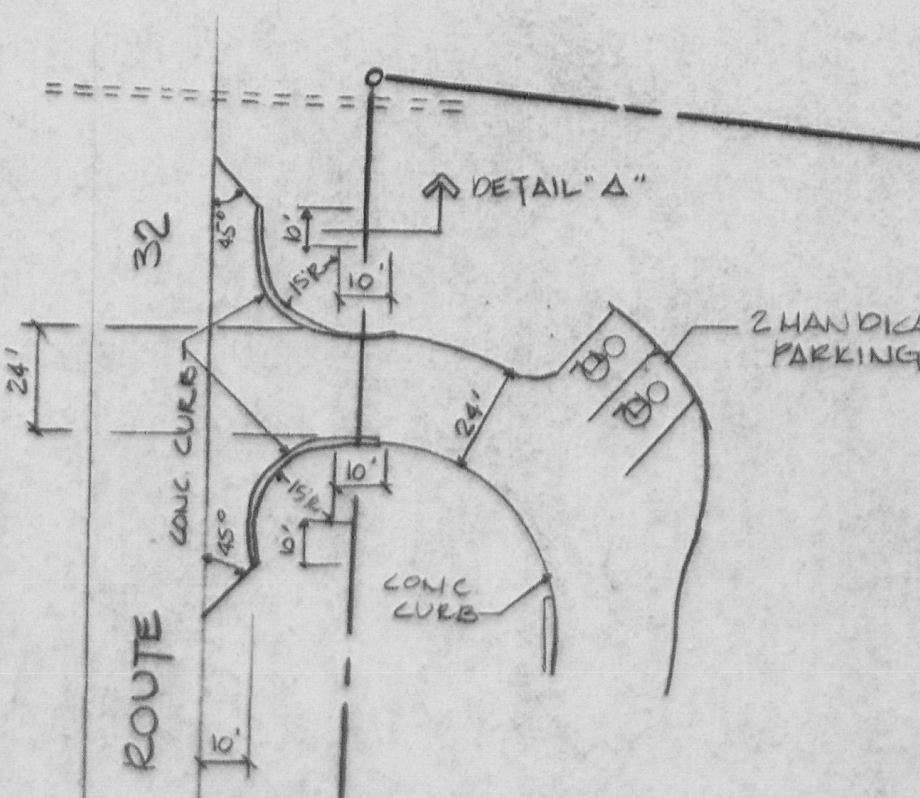
1. BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM DRAWING ENTITLED "MAP OF SURVEY FOR JERRY IMPELLITTERE, TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK"; PREPARED BY PETER R. HUSTIS LICENSED LAND SURVEYOR AND DATED JANUARY 29, 1985.
2. A VARIANCE WAS GRANTED ON NOVEMBER 13, 1989 BY THE NEW WINDSOR ZONING BOARD OF APPEALS FOR THE FOLLOWING: THE MAXIMUM BUILDING HEIGHT AND SIDE AND REAR YARD SETBACK REQUIREMENTS.
  - A. FROM A 35' MAXIMUM FENCE HEIGHT TO ALLOW A 58' HIGH FENCE.
  - B. FROM A 6' SIDE AND REAR YARD TO ALLOW 4' SIDE AND REAR YARDS FOR THE ABOVE FENCE.

<b>PAUL V. CUOMO, P.E.</b> STEWART INTERNATIONAL AIRPORT NEW WINDSOR N.Y.	PROJECT	COFFERS HIDEAWAY
	SHEET TITLE	SITE PLAN WITH PROPOSED ADJUTION of 32

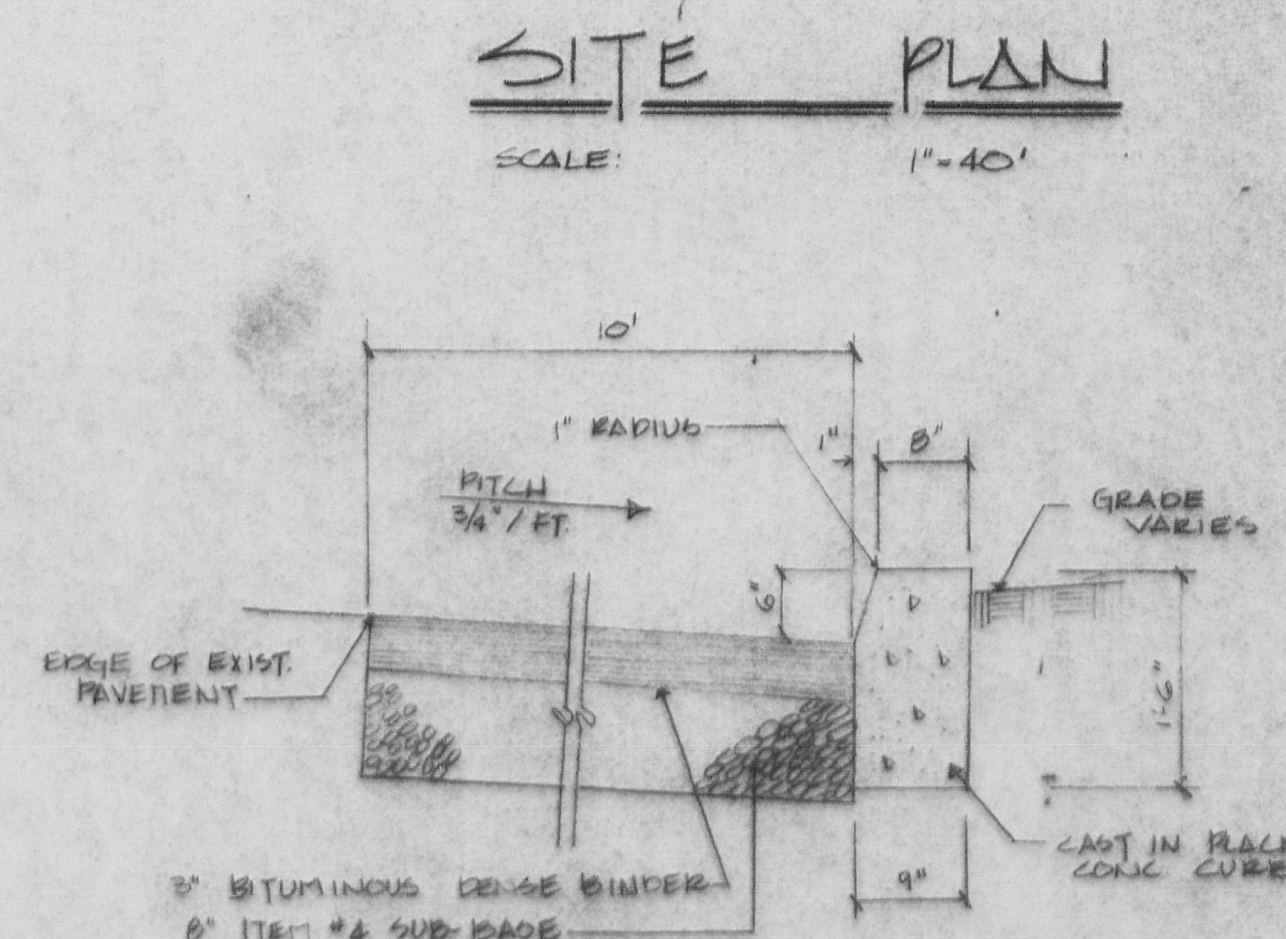
A circular professional engineer seal for the State of New York. The outer ring contains the text "LICENSED PROFESSIONAL ENGINEER" at the top and "STATE OF NEW YORK" at the bottom. The center features a crest with two figures flanking a shield, topped by an eagle. Below the crest is the number "38331". The name "PAUL V. CIONE" is written across the middle of the seal. The word "SEAL" is printed below the circular emblem.

DATE:	1/13/88
DRAWN BY:	VAR
CHECKED BY:	P.V.L.
SCALE:	AS NOTED
JOBS NO	90-020
DRAWING NO	

SP-1



ENTRANCE DETAIL

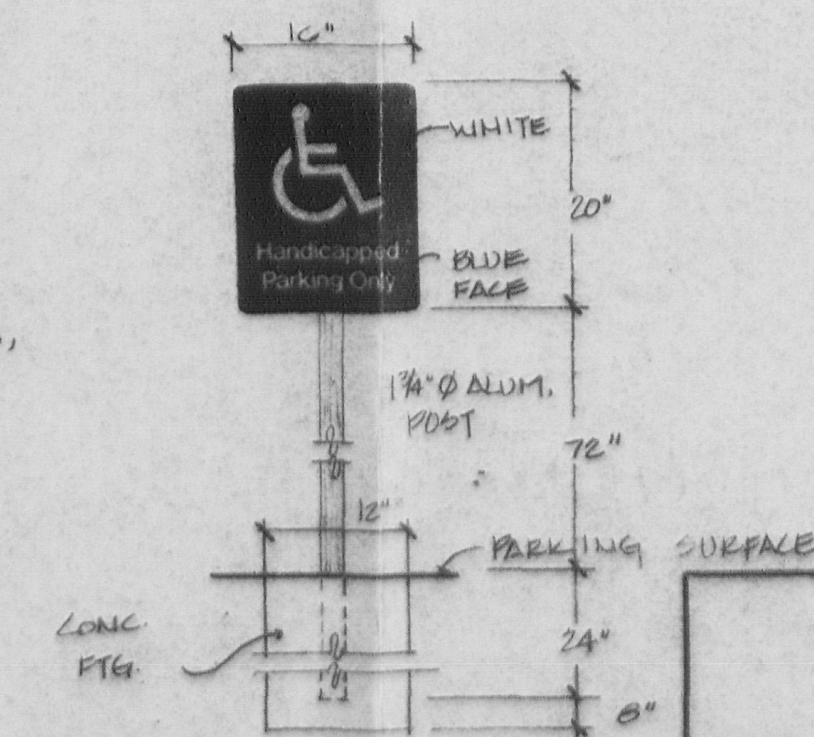


DETAIL A  
NOT TO SCALE

NOTE: LIGHT POLES BEHIND TEE AREA



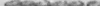


HEIGHT	20 FOOT
WATTS	2000 / POLE
	2 LIGHTS / POLE, ONE NARROW BEAM, ONE WIDE BEAM
NARROW BEAM	200 YARDS RANGE
WIDE BEAM	75 YARDS RANGE

This plan was acted upon on 9-12-90  
by the New Windsor Planning Board.  
Carl O. Schreifu  
Chairman



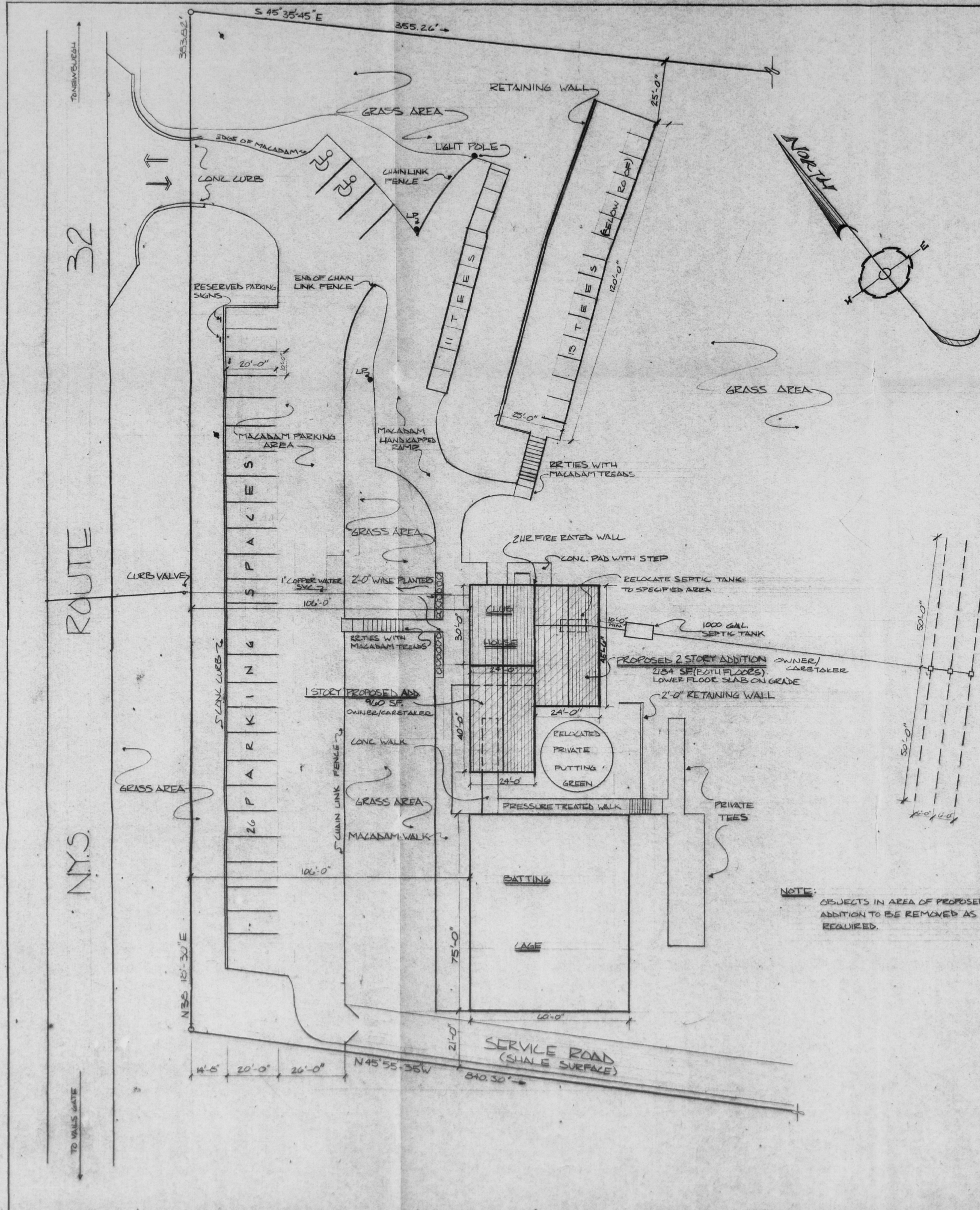
## HANDICAP SIGN

SCALE:  $3/4" = 1'-0"$

 STONE WALL  
 PROPERTY LINE  
 CULVERT  
 FINAL GRADE  
 SPOT ELEVATION

APPROVAL BOX





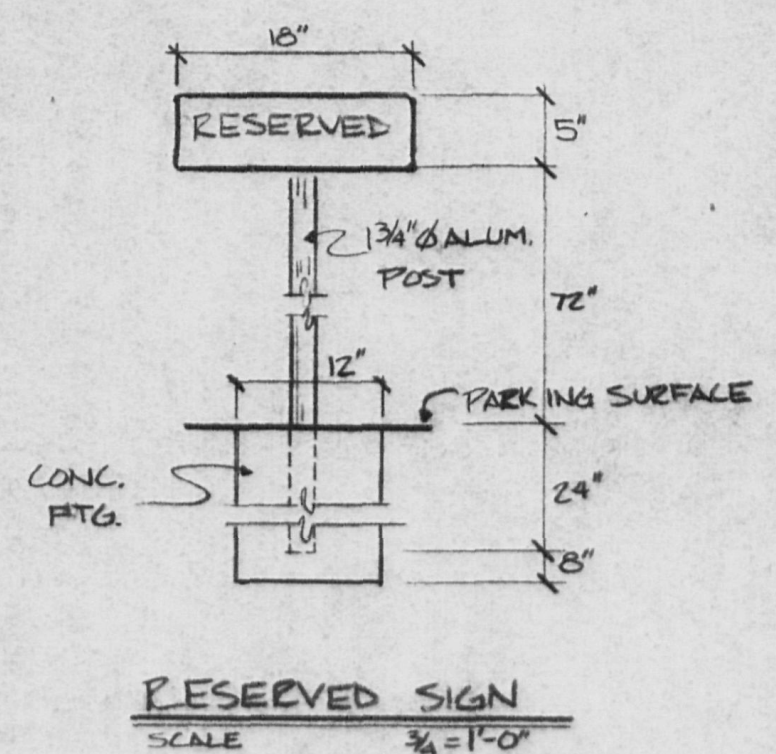
NOTE: OBJECTS IN AREA OF PROPOSED ADDITION TO BE REMOVED AS REQUIRED.

This plan was acted upon by the New Windsor Planning Board on 9-12-90.  
 Carl C. Schipke  
 9-12-90

PRINCIPAL USE		
PRESENT ZONING AS OF JULY 11, 1990 DESIGN SHOPPING (C)		
ITEM(USE REGULATIONS-COL. A NO.1)	REQUIRED	PROVIDED
LOT AREA	80,000 SQ./FT.	6.69 ACRES
LOT WIDTH	200 FT.	383.82 FT.
FRONT YARD DEPTH	60 FT.	106 FT.
SIDE YARD WIDTH-ONE	30 FT.	105 FT.
SIDE YARD WIDTH-BOTH	70 FT.	313 FT.
REAR YARD DEPTH	30 FT.	583 FT.
STREET FRONTAGE	N/A	383 FT.
MAX BUILDING HEIGHT	6' / FT NEAREST LOT	
FLOOR AREA	0.7%	.0095%
MIN. LIVEABLE FLOOR AREA	N/A	
DEVELOPMENT COVERAGE	N/A	
MIN. OFF STREET PARKING:		
1 FOR EACH 5 PERSONS FOR WHICH DESIGNED, BUT NOT LESS THAN 4 PER ACRE.		
REQUIRED PARKING:		
6.69 ACRES X 4 = 26.7	27 SPACES	

SPECIAL PERMIT USE		
PRESENT ZONING AS OF JULY 11, 1990 DESIGN SHOPPING (C)		
ITEM(USE REGULATIONS-COL. B NO.10)	REQUIRED	PROVIDED
LOT AREA	20 ACRES	6.69 ACRES
LOT WIDTH	300 FT.	383.82 FT.
FRONT YARD DEPTH	100 FT.	106 FT.
SIDE YARD WIDTH-ONE	100 FT.	105 FT.
SIDE YARD WIDTH-BOTH	200 FT.	313 FT.
REAR YARD DEPTH	100 FT.	583 FT.
STREET FRONTAGE	100 FT.	383 FT.
MAX BUILDING HEIGHT	18' FT.	
FLOOR AREA	N/A	
MIN. LIVEABLE FLOOR AREA	N/A	
DEVELOPMENT COVERAGE	20%	
MIN. OFF STREET PARKING:		
2 FOR EACH APT.		
REQUIRED PARKING:		
1 APT X 2 = 2	2 SPACE	

PARKING CALCULATIONS:		
6.69 ACRES X 4 = 26.7	27 SPACES	
1 APT. X 2 = 2	2 SPACES	
	29 SPACES	29 SPACES



**PAUL V. CUOMO, P.E.**  
 STEWART INTERNATIONAL AIRPORT NEW WINDSOR N.Y.  
 PROJECT  
 SITE PLAN  
 UTTERS HIDEAWAY  
 (ENLARGED AND PROPOSED ADDITION)  
 NEW WINDSOR N.Y. 12533



DATE: 7/16/90  
 DRAWN BY: JJM  
 CHECKED BY: FVZ  
 SCALE: 1" = 20'-0"

APPROVAL BOX

DRAWING NO.  
 SP-2  
 SHEET 2 OF 2